UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,206	03/06/2002	George M. Brookner	770P009542-US(PCT)	8222

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EXAMINER
HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
2136	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claim 1-35 are pending in this office action.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October

10, 2006, has been entered.

3.   Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection.

Claim Rejections

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 103

5.   <u>Claims 1-35</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over

<u>Albrecht et al.</u> (U.S. Patent No. 5,950,011) in view of <u>Chou et al.</u> (U.S. Patent No.

5,892,906).

Regarding <u>claims 1, 15, 19, and 32</u>, <u>Albrecht et al.</u> teaches a method/apparatus

for serving a plurality of devices through a communications network, the apparatus

comprising:

- A memory for storing a plurality of records associated with the devices,

  respectively (fig. 1, Knowledge Base);

- An input element for receiving from a selected device a request for configuration

  of the selected device from a generic configuration to a selected or custom

  configuration through the communications network, the request including first

  information concerning a first identifier identifying the selected device, **wherein**

  the selected device is physically possessed by a customer (col. 5, line 63

  through col. 6, line 16 and col. 8, lines 31-57);

- A processor for selecting a record, the selected record including a second

  identifier and configuration information concerning the selected or custom

  configuration for the selected device, the selected or custom configuration

  corresponding to a predetermined feature set of the selected device, the

  processor determining whether the second identifier corresponds to the first

  identifier obtained (fig. 1, Editor and col. 6, line 52 through col. 7, line 31); and

- An output element for causing the generic configuration of the selected device to

  be configured based on the configuration information when it is determined that

  the second identifier corresponds to the first identifier (fig. 1, Interpreter and col.

  7, lines 32-51).

Albrecht et al. does not teach the cryptographic elements or the data being
encrypted or specifically that the request is generated upon initial power up. However,
configuring a computer with software and network names, as taught by Albrecht et al.,
would best be performed upon power up of the system before any software and network
features were enabled. This would prevent software corruption.

Chou et al. teaches the cryptographic element and encrypting the supplied data
(col. 6, lines 20-33, col. 7, lines 14-35 and col. 8, lines 18-34).

It would have been obvious to one of ordinary skill in the art, at the time the
invention was made, to combine a cryptographic element and encrypting the supplied
data, as taught by Chou et al., with the method/apparatus of Albrecht et al. because the
supplied data represents a serial number (which is unique to each computer);
encrypting the unique data prevents anyone else from obtaining the unique data.

Regarding claims 2 and 20, Albrecht et al. as modified by Chou et al. teaches
wherein the coded information including encrypted information concerning the identity of
the selected device (see col. 4, lines 6-19 of Chou et al.).

Regarding claims 3, 17, 21, and 34, Albrecht et al. as modified by Chou et al.
teaches wherein the encrypted information concerns a serial number of the selected
device (see col. 8, lines 17-20 of Albrecht et al.).

Regarding claims 4, 18, 22, and 35, Albrecht et al. as modified by Chou et al.
teaches wherein the encrypted information is encrypted in accordance with a public key
algorithm (see col. 6, lines 20-33 of Chou et al.).

Regarding claims 5, 11, 23, and 29, Albrecht et al. as modified by Chou et al.
teaches wherein the coded information including a digital signature resulting from
cryptographically signing at least part of the request (see col. 8, lines 36-41 of Chou et
al.).

Regarding claims 6, 13, 24, and 30, Albrecht et al. as modified by Chou et al.
teaches wherein the information objects include software components (see col. 5, lines
58-60 of Albrecht et al.).

Regarding claims 7, 14, 25, and 31, Albrecht et al. as modified by Chou et al.
teaches wherein the information objects include data (see col. 3, lines 65-67 of Albrecht
et al.).

Regarding claims 8 and 26, Albrecht et al. teaches a method/apparatus
physically possessed by a customer configurable by a server through a
communications network, the apparatus comprising:

- A processor for generating a request for configuration of the apparatus from a
  generic configuration to a selected or custom configuration which includes

therein coded information for verification by the server of an identity of the

apparatus (fig. 1, Editor and col. 6, line 52 through col. 7, line 31);

- An interface for receiving information objects corresponding to a predetermined

    feature set of the apparatus for configuring the apparatus from the server through

    the communications network when the identity of the apparatus is verified by the

    server, the information objects modifying the generic configuration of the

    apparatus (col. 5, line 63 through col. 6, line 16 and col. 8, lines 31-57);

- A memory (fig. 1, Knowledge Base); and

- A loader for directing the information objects to be loaded in the memory in

    accordance with a predetermined plan (fig. 1, Interpreter and col. 7, lines 32-51).

Albrecht et al. does not teach generating coded information using the

cryptographic element or specifically that the request is generated upon initial power up.

However, configuring a computer with software and network names, as taught by

Albrecht et al., would best be performed upon power up of the system before any

software and network features were enabled. This would prevent software corruption.

Chou et al. teaches generating coded information using the cryptographic

element (col. 6, lines 20-33, col. 7, lines 14-35 and col. 8, lines 18-34).

It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine generating coded information using the cryptographic

element, as taught by <u>Chou et al.</u>, with the method/apparatus of <u>Albrecht et al.</u> It would
have been obvious for such modifications because the coded information consists of
information pertaining to software for a particular user; encrypting the coded information
prevents anyone else from illegally obtaining the software/data.

Regarding <u>claims 9 and 27</u>, <u>Albrecht et al.</u> as modified by <u>Chou et al.</u> teaches
wherein the cryptographic element includes a private key (see col. 6, lines 20-33 of
Chou et al.).

Regarding <u>claims 10 and 28</u>, Official notice is taken that the request is
automatically generated on an initial power up of the apparatus because the request
would be before any previously installed software and network features were enabled.
This would prevent software and network corruption.

Regarding <u>claim 12</u>, Applicant's admitted prior art teaches comprising a franking
system, because applicant did not contest the official notice statement made by
examiner in the previous office action.

Regarding <u>claims 16 and 33</u>, <u>Albrecht et al.</u> as modified by <u>Chou et al.</u> teaches
wherein the cryptographic element includes a public key (see col. 6, lines 20-33 of Chou
et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

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